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DRAFT ARTICLE ON THE PREVENTION OF POLLUTION FROM DUMPING AT SEA

1. For the purpose of this article "dumping" means any deliberate disposal of wastes or other matter at sea from vessels, aircraft, platforms or other man-made structures at sea and any deliberate disposal at sea of vessels, aircraft, platforms or other man-made structures at sea. Dumping does not include the disposal of wastes or other matter at sea incidental to, or derived from the normal operation of vessels, aircraft, platforms or other man-made structures at sea and their equipment other than wastes or other matter transported by or to vessels, aircraft, platforms or other man-made structures at sea operating for the purpose of disposal of such matter or derived from the treatment of such wastes or other matter on such vessels, aircraft, platforms or structures; or the placement of matter for a purpose other than the mere disposal thereof, provided that such placement is not contrary to the aims of this convention.

2. States shall ensure that dumping is prevented and controlled in accordance with the relevant international rules.

3. For this purpose required regulations shall be adopted and necessary measures shall be taken:

- (a) by all States within their territory
- (b) by the coastal States within an area of        miles measured from the baselines of their territorial sea.
- (c) by the port States with respect to vessels and aircraft loading in their ports or off-shore terminals matter which is to be dumped beyond the limits of the area referred to in sub-paragraph (b) above,

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- (d) by the flag-States with respect to vessels or aircraft registered in their territory or flying their flag when these vessels or aircraft load in ports or offshore terminals of a State not a party to this Convention matter which is to be dumped beyond the limits of the area referred to in sub-paragraph (b) above; and with respect to platforms or other man-made structures which are under their authority and carry out dumping beyond such limits.
4. The regulations and measures referred to in paragraph 3 above shall not be less stringent than the international rules. Such regulations and measures shall not be discriminatory and shall not unduly interfere with navigation and other legitimate uses of the sea. Dumping, where permitted shall be authorized in accordance with paragraph 3(b), (c) and (d).
5. Rules and regulations adopted in accordance with the provisions of this Convention for the protection and preservation of the marine environment from dumping at sea shall be enforced.
- (a) by any State within its territory;
- (b) by the coastal state on vessels, aircraft, platforms, or other man-made structures at sea, engaged in dumping within an area of \_\_\_\_\_ miles measured from the base-lines of its territorial sea.
- (c) by the port-State on vessels and aircraft loading in its ports or off shore terminals matter which is to be dumped.
- (d) by the flag-State on vessels and aircraft registered in its territory or flying its flag.
6. Where proceedings have been initiated by a contracting State against a vessel, aircraft, platform or other man-made structure at sea in accordance with this article no other State shall start proceedings against the same vessel, aircraft, platform or other man-made structure for the same violation.
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